IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1557 of 2007(I)

PETITIONER:

A.KUTTAPPAN NAIR, (MECHANIC, KSRTC,
CENTRAL WORKS, RTD.ON 30.6.2006),
AGED 55 YEARS, S/O.APPUKUTTAN NAIR,
KIZHAKE ALTHARA VEEDU, KOLIYAKODE, INDUSTRIAL
ESTATE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

KERALA STATE ROAD TRANSPORT
CORPORATION, REPRESENTED BY ITS MANAGING
DIRECTOR, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM.

BY SC SRI.JOHNSON P.JOHN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 1557 of 2007

Dated this 15th day of January, 2007

JUDGMENT

Sri.Johnson P.John, the learned Standing Counsel takes notice for the respondent Corporation.

2. This writ petition has been filed by a retired Mechanic of the KSRTC seeking out of turn release of his retiral benefits on the ground that the marriage of his daughter, Sandhya has to be conducted on 11.4.2007. According to him unless the retiral benefits are released, it will be very difficult for him to conduct the marriage.

3. The learned Standing Counsel submits that guidelines which have been formulated on the basis of the judgment of this court in W.A. No. 289/2001 are to be followed. But, Sri.K.P.Rajeevan, the learned counsel for the petitioner invites my attention to the judgment of a Division Bench of this court in W.A. No.1775/2004 and submits that notwithstanding the scheme which is framed as per the judgment in W.A. No.289/2001 there is justification for deviating from the seniority

to meet urgent necessities like marriages of the children of the employees. The learned counsel further submits that the petitioner has no other source of income from which amounts can be raised for conducting marriage.

4. Considering the grounds raised and the submissions made at the bar, this writ petition will stand disposed of with the following directions:

The respondent will release to the petitioner within two months from today total amount of Rs.1,50,000/-(Rupees One Lakh Fifty Thousand only) taking the entirety of the amounts on account of DCRG and a portion of the amount on account of Commutted Value of Pension due to the petitioner.

PIUS C.KURIAKOSE
Judge

dpk